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EPC Meeting  
August 1999

File Name APM-1-1-1

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# Agenda

## Environmental Protection Commission

CN SEP 1999

August 16, 1999

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

### Public Participation

10:30 A.M.

Appointment: Susan Rigdon (landfill siting laws)

11:00 A.M.

Appointment: Dean Larsen (Item #7)

1:00 P.M.

### Agenda topics

1. Approve Agenda
2. Approve Minutes of July 19, 1999
3. Director's Remarks Paul Johnson
4. Monthly Reports Mike Valde (Information)
5. Contract Approval - University of Iowa Hygienic Lab  
Interagency Agreement - Ambient Air Monitoring Mike Valde (Decision)
6. Intended Use Plan - State Revolving Fund FY 1999  
(Drinking Water) Mike Valde (Information)
7. Contested Case Decision Appeal--Dean Larsen Mike Murphy (Decision)
8. Referrals to the Attorney General Mike Murphy (Decision)
  - a) Roland Heyer (Aeroplane Inn - Honey Creek)
  - b) Greg Morton & Brenda Harnyak (Grand River)
  - c) Jeff Phillips aka Mike Connolly; Phillips Recycling (Cambridge)
9. Report on ICCI Questions Wayne Gieselman (Information)
10. Briefing on Golden Oval Wayne Gieselman (Information)
11. General Discussion

### Next Meeting Dates

September 20, 1999  
October 18, 1999

ENVIRONMENTAL PROTECTION COMMISSION

Monday, August 16, 1999

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Susan Rigdon

Ely

Julie Vorhes

Bluestem Solid Waste Agency

Cedar Rapids

MICHAEL BERKSHIRE

BLUESTEM SWA

CR.

JANE M<sup>S</sup>ALLISTER

ANCHERS LAW FIRM

DSM

Rick Kelley

UHL

DSM

LINDA KINMAN

IAWA

DSM

DAN VEST

GROWMARK, INC.

BLOOMINGTON, IL.

Deb Kozel

LFB

Des Moines

Andrea Fagne

IA League of Cities

DSM

Yvonne Bailey

Martin Marietta

Raleigh NC

GERARD GREGG

MARTIN MARIETTA

DM, IA

Chris Gruenhagen

Farm Bureau

WDSM

Broadie Simmons

DES MOINES WATER  
WORKS

DSM

Hugh Espey

Iowa CCI

Dean Larsen

Bert

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, August 16, 1999, in the Wallace State Office Building, Des Moines, Iowa.

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### MEMBERS PRESENT

James Braun  
Elizabeth Christiansen  
William Ehm, Chair  
Rozanne King, Secretary  
Kathryn Murphy  
Gary Priebe  
Rita Venner

### MEMBERS ABSENT

Randal Giannetto  
Terrance Townsend, Vice-Chair

Chairman Ehm noted that both Randal Giannetto and Terrance Townsend phoned to say they had a business conflict and would not be able to attend the meeting.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

*Motion was made by Elizabeth Christiansen to approve the agenda as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### APPROVAL OF MINUTES

*Motion was made by Rita Venner to approve the meeting minutes of July 19, 1999, as presented. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**DIRECTOR'S REMARKS**

Paul Johnson, Director, reported that he has had conversations with the Governor and the Governor has asked for ideas on initiatives for next year where he can place a lot of emphasis. Director Johnson related that he submitted four initiatives as follows: 1) Look to the year 2000 as "Year of the Environment." Two efforts will be the launch of Earth Year 2000 in January, and the development of a State-of-the-State Plan; 2) Work closer with DED to build in environmental protection when bringing new industry into the state; 3) Livable Iowa – review parks and recreation opportunities in the state, and possibly focus on 3-4 of them as destination places similar to national parks; 4) Iowa Water – review of Iowa's water quality particularly from the standpoint of surface waters relative to hypoxia and TMDL's. He expanded on each of the initiatives and noted that he wants the people of Iowa to be involved in these efforts. Director Johnson related that staff is beginning to put together a wish list to take better advantage of the federal programs that are available.

Brief discussion followed.

**MONTHLY REPORTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

**RULEMAKING STATUS REPORT**

August 1, 1999

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 4,5,6 – Agency Procedure for Rulemaking	4/19/99	5/19/99	6/08/99	-----	7/19/99	7/19/99	8/11/99	*9/06/99	*9/15/99
2. Ch. 40, 41, 42, 43, & 83 – Water Supply and Environmental Laboratory Certification	3/15/99	4/07/99	5/11/99	5/4,6,24-27/99	7/19/99	7/19/99	8/11/99	*9/06/99	*9/15/99
3. Ch. 55 – Aquifer Storage and Recovery	3/15/99	4/07/99	5/11/99	5/4,6,24-27/99	7/19/99	7/19/99	8/11/99	*9/06/99	*9/15/99
4. Ch. 64 – Stormwater Permits	4/19/99	5/19/99	6/08/99	6/18/99	*9/20/99	*9/20/99	*10/20/99	*11/02/99	*11/24/99
5. Ch. 135 – USTS-MTBE Analyzing Requirements	6/21/99	7/14/99	8/09/99	-----	*9/20/99	*9/20/99	*10/20/99	*11/02/99	*11/24/99

Monthly Variance Report July 1999						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Holnam, Inc. - Mason City	Air Quality		Permit Requirements	Approved	07/27/99
2	Davenport, City-(Goose Creek Interceptor)	Wastewater Construction	McClure Engineering Associates	Manhole Material	Approved	07/01/99
3	Gravity, City of-(Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Company	Directional Boring, Sewer Slope	Approved	07/19/99
4	Gravity, City of-(Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Company	Inter-Cell Control Structures	Approved	07/19/99
5	Gravity, City of-(Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Company	Influent Line Termination	Approved	07/19/99
6	Gravity, City of-(Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Company	Number of Lagoon Cells	Approved	07/19/99
7	Gravity, City of-(Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Company	Pond Influent Piping	Approved	07/19/99
8	Gravity, City of-(Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Company	Manhole Spacing	Approved	07/19/99
9	Gravity, City of-(Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Company	Valve Pit	Approved	07/19/99
10	Valley Village Mobile Home Park-Wapello County	Wastewater Construction	Garden & Associates	Chlorine Contact Tank	Approved	07/16/99
11	Dunbar Slough W.M.A Wetland, Pool A-Greene County	Flood Plain	Construction Services Bureau, Iowa Department of Natural Resources	Storm/Storage Capacity	Approved	07/01/99
12	Dunbar Slough W.M.A Wetland, Pool D-Greene County	Flood Plain	Construction Services Bureau, Iowa Department of Natural Resources	Storm/Storage Capacity	Approved	07/01/99
13	Dunbar Slough W.M.A Wetland, Pool B & C-Greene County	Flood Plain	Construction Services Bureau, Iowa Department of Natural Resources	Storm/Storage Capacity	Approved	07/01/99
14	Union Pacific Railroad-Soldier River Cutoff Bridge-Harrison County	Flood Plain	Boyle Engineering Corporation	Freeboard	Approved	07/01/99
15	South Dallas County Landfill-Adel	Wastewater Operation		Monitoring Frequency	Approved	07/16/99
16	The Junction C-Store-Hamburg	Watersupply Construction	RDG Geoscience & Engineering, Inc.	Siting Criteria	Approved	07/01/99
17	IBP, Inc.-Tama	Watersupply Operation	IBP, Inc.-Dakota City, NE	System Operation	Approved	07/28/99

### Report of Hazardous Conditions

During the period July 1, 1999, through July 31, 1999, 65 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(70)	28(37)	11(17)	13(16)	20(28)	2(6)	24(28)	1(5)	0(0)	5(3)
Nov.	57(44)	35(25)	9(9)	13(10)	30(15)	2(3)	23(23)	0(2)	0(0)	2(1)
Dec.	41(52)	23(27)	5(19)	13(6)	21(21)	2(4)	15(22)	1(4)	0(0)	2(1)
Jan.	30(42)	15(32)	0(3)	15(7)	20(19)	0(2)	6(16)	2(1)	0(1)	2(3)
Feb.	43(42)	25(32)	4(3)	14(7)	26(19)	1(2)	12(16)	1(1)	0(1)	3(3)
Mar.	50(53)	32(37)	12(9)	6(6)	27(29)	1(0)	20(16)	0(4)	0(0)	2(4)

Apr.	92(60)	49(23)	26(23)	17(14)	46(25)	1(3)	43(25)	0(5)	0(0)	2(2)
May	57(135)	29(58)	25(64)	3(13)	20(58)	2(3)	30(69)	1(2)	0(0)	4(2)
Jun.	98(118)	56(76)	29(24)	13(18)	41(70)	3(3)	50(38)	0(1)	1(0)	3(6)
Jul.	65(75)	43(48)	7(5)	15(22)	34(57)	3(0)	23(15)	3(0)	0(0)	2(3)
Aug.										
Sept.										

(numbers in parentheses for the same period in fiscal year '98)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
9	11	9	9	11	16

**ENFORCEMENT STATUS REPORT**

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Denver, City of (1)	Drinking Water	MCL - Acute, Bacteria	Emerg. Order	7/1/99
Pella Corporation fka Rolscreen Co., Pella (5)	Hazardous Condition	Remedial Action	Amended Order	7/7/99
Beatrice Group, Inc., Fredericksburg (1)	Air Quality	Construction Without Permit	Order/Penalty \$5,000	7/7/99
Continental Deli Foods, Inc., Cherokee (5)	Air Quality	Construction Without Permit	Order/Penalty \$2,000	7/7/99
GKN Armstrong Wheels, Inc., Estherville (3)	Air Quality	Construction Without Permit	Order/Penalty \$3,000	7/7/99
Case Corporation, Burlington (6)	Air Quality	Construction Without Permit	Order/Penalty \$3,000	7/7/99
Leland McCormick, Chris McCormick, Marion Co (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	7/7/99
Muscatine County Sanitary Landfill, Muscatine (6)	Solid Waste	Leachate Control; Other	Order/Penalty \$10,000	7/7/99
Charles Wirtz, Whittemore (3)	Animal Feeding Operation	Prohibited Discharge - Open Feedlot; Water Quality Violations - General Criteria	Order/Penalty \$2,000	7/13/99
Storm Lake, City of (5)	Drinking Water	Construction Without Permit	Order/Penalty \$3,500	7/13/99
Brogan's Pub & Grub, Palo (1)	Drinking Water	Monitoring/Reporting - Bacteria, Nitrate; Public Notice	Order/Penalty \$350	7/20/99
Dean Adrian Clinton Co (6)	Animal Feeding Operation	Prohibited Discharge-Open Feedlot; Water Quality Violations-General Criteria	Referred to AG	3/15/99
Sale-R-Villa Construction Co.; Carl A. Burkhardt, Perry (5)	Air Quality	Asbestos	Referred to AG	3/15/99
Troy P. and Sandra L. Hanson, Eagle Grove (2)	Animal Feeding Operation	Prohibited Discharge-Confinement; Water Quality Violations-General Criteria	Referred to AG	3/15/99
Holnam Incorporated, Mason City (2)	Air Quality	Excess Emissions	Referred to AG	3/15/99
LaFarge Corporation, Davenport (6)	Air Quality	Excess Emissions	Referred to AG	3/15/99
Ivan Stoltzfus,	Wastewater	Construction Without Permit	Order/Penalty	3/16/99



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Decatur City (5)			\$2,500	
Hargrave-McEleney, Inc., Iowa City (6)	Drinking Water	MCL - Other Inorganics	Order/Penalty \$1,000	3/22/99
Gerald and Judith Vens, Dixon (6)	Flood Plain	Construction Without Permit; Operation Without Permit	Order/Penalty \$5,000	3/31/99
Richard Greiner, Washington Co. (6)	Animal Feeding Operation	Prohibited Discharge-Confinement, Open Feedlot; Water Quality Violations- General Criteria	Order/Penalty \$3,000	3/31/99
Bowlaway Lanes, New Hampton (1)	Drinking Water	Monitoring/Reporting - Nitrate; Public Notice	Order/Penalty \$100	2/23/99
Country Terrace Mobile Home Court, Boone (5)	Drinking Water	Monitoring/Reporting - Bacteria, Other Inorganics, Organics, Radioactivity; MCL - Radioactivity; Public Notice	Order/Penalty \$5,000	2/25/99

## SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp (Monticello)	AQ	7,500	11-25-95
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
* Dakota Mobile Home Park (Oxford)	WW	375	8-15-99
* Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	500	4-15-99
Aeroplane Inn (Honey Creek)	WS	1,125	2-16-99
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Russ Winkowitsch (Butler Co.)	FP	500	3-06-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
J Wood Park (Clayton Co.)	WS	100	3-06-99
Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
Bowlaway Lanes (New Hampton)	WS	100	4-20-99
Full Moon Saloon (Jesup)	WS	500	4-23-99
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	300	8-01-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	2,500	8-01-99
Stokely USA, Inc. (Ackley)	WW	1,000	5-07-99
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	450	5-11-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,200	5-15-99
Mark Stillmunkes (Jackson Co.)	AQ/SW	1,000	5-19-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,460	6-08-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
* R V Hopkins, Inc. (Davenport)	AQ	11,700	7-16-99
* Gary Lund Construction (Eagle Grove)	SW	625	8-01-99
* #Verton S. Miller (Johnson Co.)	AFO	625	8-10-99
* Hidden Valley Mobile Home Park (Washington)	WW	650	8-12-99
Pilot Corporation (Des Moines)	WW	2,000	8-22-99
The Barn (Sherril)	WS	200	8-27-99
Ashley Inn Motel & Trailer Court (Mason City)	WS	500	8-29-99
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	10,000	9-04-99
Leland McCormick and Chris McCormick (Marion Co.)	AQ/SW	1,000	9-14-99
# Charles Wirtz (Whittemore)	AFO	2,000	9-15-99
Koch's Meadow Lake Campground (Cedar Co.)	WS	200	10-01-99
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Muscatine County Sanitary Landfill	SW	10,000	----
Beatrice Group Inc. (Fredericksburg)	AQ	5,000	----
Continental Deli Foods, Inc. (Cherokee)	AQ	2,000	----
Case Corporation (Burlington)	AQ	3,000	----
GKN Armstrong Wheels, Inc. (Estherville)	AQ	3,000	----
Storm Lake, City of	WS	3,500	----
Brogan's Pub & Grub (Palo)	WS	350	----
<b>TOTAL</b>		<b>127,255</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd., Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Markley Knock d/b/a Knock's Bldg Supply (Parkersburg)	AQ/SW	2,000	3-09-99
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
<b>TOTAL</b>		<b>118,554</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Bankston, City of	WS	550
Wunschel Oil, et al. (Ida Grove)	UI	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Spencer Municipal Hospital (Spencer)	AQ	3,000

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Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1, A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Holliman LTD ; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp ; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R J Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Brittany Estates Addition (Manchester)	WS	4,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc ; Fayette Co Solid Waste Comm	SW	10,000
Biovance Technologies, Inc (Oskaloosa)	AQ	4,000
Stellar Industries, Inc (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
North Central Cooperative (Clarion)	WW/HC	2,000
Troy Elevator, Inc (Troy)	WW/HC	4,000
# Austin J DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
West Liberty, City of	WW	5,000
The Legacy Group, L C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Eagle Lane Corp (Blue Grass)	WS	4,000
Barr Farm Venture; Mel Foster Co Properties (Scott Co.)	WW	10,000
Casey's General Stores, Inc (Johnston)	UT	8,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Kraus's Serene Wooded Acres (Amana)	WS	500
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
Dyersville Golf and Country Club (Dyersville)	WS	1,500
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
Wareco System of Iowa, Inc. (Burlington)	UT	6,100
Dennis Sharkey, Sr ; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	10,000
Super 20 Mobile Home Park (Dubuque)	WS	1,000
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Paris & Sons; Thomas Paris (Masonville)	WW/HC	10,000
Dayton, City of	WW	10,000
Williamsburg Manufacturing (Williamsburg)	AQ	3,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Tiffin, City of	WW	5,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Woolstock, City of	WW	5,000
Fayette County Sanitary Landfill	SW	10,000
Shenandoah, City of	WW	5,000
Robert Simon (Dubuque Co.)	AQ/SW	5,000
Ivan Stoltzfus (Decatur Co.)	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Mid-County Water, Inc.; Spring Green Estates (Toddville)	WS	500
Anthony's Resort (Sherrill)	WS	2,100
Snap-On Tools Company (Algona)	AQ	1,500
Horsley Specialties, Inc. (Des Moines)	AQ	5,000
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000
Flying J Inc. (Clive)	WW/UT	10,000
CGB Printing Co a/k/a Rock Communications Ltd. (Newton)	AQ	10,000
Big Rock Country Club (Fayette)	WS	500
Wilcox All-Pro Tool & Supply (Poweshiek Co.)	WW	1,800

# Aaron Tolander (Louisa Co.)  
 Glidden, City of  
 Fairfield, City of

AFO 3,000  
 AQ 1,500  
 AQ/SW 10,000  
**TOTAL 543,075**

The following administrative penalties were paid last month:

Kalona Golf Club (Washington Co.)	WS	250
Wee Willy's (Quasqueton)	WS	100
* Milton, City of (PAID IN FULL)	SW/AQ	250
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	50
* Randy Foth d/b/a Foth Lumber Co (Livermore)	AQ	250
Westside Park for Mobile Homes (Burlington)	WW	1,000
* Hidden Valley Mobile Home Park (Washington)	WW	350
Carroll, City of	WS	500
Kind & Knox Gelatine (Sioux City) (Stipulated Penalty)	WW	29,600
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,000
* Dakota Mobile Home Park (Oxford)	WW	375
Glidden, City of	AQ	1,500
Delaware County Landfill, Inc.	SW	3,000
<b>TOTAL</b>		<b>39,225</b>

### ATTORNEY GENERAL REFERRALS

August 1, 1999

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; WaterQuality Violations- General Criteria	Referred to Attorney General	Referred	3/15/99
Advanced Technologies Corp Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Order Granting Leave to Add Parties Trial Date	6/20/97 6/05/98 2/17/99 9/27/99
Ballard, Randy Fayette Co (1)	Flood Plain	Construction Permit Without	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 9/23/99
Bodensteiner, Edward Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	8/17/98 12/22/98
DeCoster, A J Wright Co (2)	<b>UPDATED</b> Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Closing Arguments Ruling (\$59,000/Civil) Defendant's Notice of Appeal Supreme Court Arguments Affirmed	7/17/95 1/23/96 1/28/97- 2/06/97 2/11/97 3/05/97 4/04/97 5/27/99 7/08/99
DeCoster, A J Nursery Unit #3 Wright Co (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed State's Brief	1/22/97 4/24/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98 7/08/98 10/08/98

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DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co (2)	<b>UPDATED</b> Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief Ruling on Petition (\$25,000/Civil) Defendant's Notice of Appeal	8/18/97 3/20/98 3/16/99 3/30/99 5/28/99 6/24/99
DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	<b>UPDATED</b> Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Closed by Attorney General	12/15/97 7/28/99
DeCoster, Austin J. Nursery M-1 Lucas Co (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
Farmers Hybrid Companies, Inc Poweshiek Co. (1)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	3/16/98 3/11/99
Flannegan Conservation Service; Hugh J Flannegan Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred	11/16/98
Fry, Elery; Allen Fry; Beck Sandeen Monroe Co (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing	2/15/99 4/22/99 7/13/99
Grell, Don d/b/a Dodger Enterprises Ft Dodge (2)	Air Quality	Open Burning	Order/Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment Trial Date Ruling (\$3,500,000/Civil) Notice of Appeal	1/20/98 8/25/98 9/28/98 10/26/98 2/12/99 3/18/99 4/14/99 4/22/99 5/17/99
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Henry County Board of Supervisors Henry Co (6)	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Hidden Valley Mobile Home Court Washington Co (6)	<b>UPDATED</b> Drinking Water	Monitoring/ Reporting - Lead and Copper	Order/Penalty	Referred Petition Filed Trial Date Consent Decree (\$1,000/Civil; \$350/Admin.)	1/20/98 9/29/98 9/14/99 7/16/99
Hofer's Danceland Ballroom Walford (1)	Drinking Water	Monitoring/ Reporting- Bacteria, Nitrate	Order/Penalty	Referred	5/17/99
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Knock, Markley d/b/a Knock's Building Supply Parkersburg (2)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	6/21/99

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LaFarge Corporation Davenport (6)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
LaFollette, James; Kurt Douglas Marion Co (5) <b>UPDATED</b>	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Motion for Judgment Judgment (\$750/Admin )	11/16/98 5/03/99 6/25/99
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred	5/17/99
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	8/17/98
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCoy, Patrick Keokuk Co (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Motion for Judgment Order Granting Motion for Judgment (\$2,000/Admin )	2/15/99 4/22/99 5/24/99
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Pewe Mercantile, Inc ; Dion Pewe Grand Mound (6)	Underground Tank	Insurance Violation; Site Check	Order/Penalty	Referred Petition Filed	11/16/98 4/08/99
Reed, Verna and Don; Andrea Silsby Union Co (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc ; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Sale-R-Villa Construction Co Carl A. Burkhart Perry (5)	Air Quality	Asbestos	Order/Penalty	Referred	3/15/99
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
Stamper, Ray; Bryan Zenor Polk Co (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	6/21/99
Village Realty Pottawattamie Co (4)	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal	8/12/98 10/08/98 12/22/98
Weber Construction, Inc Cascade (1)	Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing	11/19/98 12/23/98 8/24/99
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	4/20/98 2/05/99
Williams, Dean d/b/a Williams Oil Co. Stuart (4) <b>UPDATED</b>	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Motion for Default Default Judgment (\$5,000/Civil; \$4,800/Admin. Plus \$2,952 Interest)	10/20/97 9/24/98 2/05/99 2/08/99

Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin) Referred	1/17/95 8/28/96 12/13/96 3/30/98
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	5/17/99

## CONTESTED CASES

Date Received	Name of Case	F.O.	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	1	Site Registry	HW	Tack	Testing completed 10/13/98. Revised order sent. Waiting for final edits to Consent Order from responsible party.
6-08-89	Hawkeye Rubber Mfg. Co.	1	Site Registry	HW	Tack	Testing completed. Revised order sent. Waiting for final edits to Consent Order from responsible party.
6-08-89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6-20-90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	-----	Decision appealed (Pixler)
8-01-90	J.I. Case Company	6	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site. Checked status 6/9/99. No change.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	2	Admin. Order/Penalty	SW	Tack	Settlement reached. Clean-up progress made. New deadline 10/1/99. Awaiting dismissal of appeal.
9-25-91	Archer Daniels Midland	6	Admin. Order	SW	Tack	DNR engineers reviewing documents. Closure permit application due 8/1/99.
1-17-92	Hickory Hollow Water Co.	5	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal.
1-30-92	Center Oil Co., Inc.	1	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	3	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Partial settlement reached.
11-16-92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Amended order issued 1/11/96. Negotiating for clean-up with Rosebar site.
4-05-93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits.
7-09-93	Oakwood Park Water, Inc.	5	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford	4	Admin. Order	UT	Wornson	Tier 2 submitted. Under review.
1-27-94	Archer-Daniels-Midland	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3-03-94	Burlington Northern Railroad		Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96. Follow-up letter sent. Response from company that appeal is being reviewed.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	5	Admin. Order/Penalty	UT	Wornson	ALJ affirmed 5/11/99. Appealed to EPC. Penalty reversed. EPC affirmed. Closed.
6-15-94	Lakeview Heights		Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
7-12-94	Tom Wiseman	2	Admin. Order/Penalty	UT	Wornson	Compliance initiated 5/25/99.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's	4	Admin.	UT	Wornson	Inability to pay. Failed to return required documentation.

	Service		Order/Penalty			Letter sent 12/31/98.
8-29-94	B and B Tire and Oil	4	Admin. Order/Penalty	UT	Wornson	SCR accepted. Letter sent offering penalty negotiations 8/26/96. Free product report received 10/2/96.
9-02-94	Crabtree Lake Resort	5	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-09-94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9-15-94	Bankston	1	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal.
9-26-94	James D. Foust	5	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW. Permits Letter to facility regarding report.
11-14-94	Tom Babinat d/b/a Tom's Car Care	2	Admin. Order/Penalty	UT	Wornson	Inability to pay - requested documentation -- no response. State lead - tanks removed. To be sent to DIA for hearing.
12-14-94	Campbell Clean-Up Service	1	Permit Denial	AQ	Preziosi	Negotiating before filing. Settled.
1-13-95	Simonsen Industries, Inc	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96.
3-23-95	American Coals Corp.	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4-13-95	The Weitz Corp., Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	E I DuPont DeNemours (95-A-133)		Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-31-95	E I DuPont DeNemours (91-A-266 thru 91-A-269)		Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-20-95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7-10-95	Donald Krieger	3	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Negotiating penalty.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	6	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information 6/96 - additional information received by WS staff for review 7/96 - Request for variance, as modified, granted 8/96 - Construction permit for new well granted 10/96 - Letter to engineer regarding dismissal of appeal.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
10-17-95	Weber Construction, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs due to EPC 9/4/97. ALJ decision upheld. Petition for review 11/19/98. Appealed to District Court.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with FO #6. Receiving penalty payments.
12-29-95	Spencer Memorial Hospital	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1-04-96	Catherine E. Meredith	4	Admin. Order	UT	Wornson	Compliance initiated by Atlantic Bottling. Comingled with coal tar. Joint agreement with I.E.S. Tier 2 submitted. Awaiting review.
1-08-96	Westside Park for Mobile Homes	6	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6/. Sent to DIA to be set for hearing. Hearing set for 6/11/99. Settled 5/99. Awaiting penalty payment.
1-11-96	Climax Molybdenum Company	6	Admin. Order/Penalty	AQ/HC	Preziosi	Hearing continued.
1-12-96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	5	Admin. Order/Penalty	UT	Wornson	Hearing held 3/23/99. ALJ affirmed 5/11/99. No appeal. Closed.
1-25-96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-11-96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	5	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3-14-96	Lamoni, City of	5	Admin. Order	WW	Hansen	Flow information requested from City's engineer. New waste load allocation and permit limits requested.



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3-19-96	Obie's West	1	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance
3-26-96	Louisa-Muscatine Community School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5-14-96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing
5-16-96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer.
						3/20/98 Dept review of proposal completed. 8/98 - Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement. 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff.
5-29-96	Haasco, Ltd	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing
6-10-96	DeCoster Farms of Iowa (19 sites)	2	Admin. Order	AFO	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-19-96	Appanoose Co. Sanitary Landfill	5	Permit Modification Denial	SW	Tack	Hearing set for 6/29/98 - settlement pending
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. & Excavating	6	Admin. Order/Penalty	AQ/SW	Tack	Proposed decision 5/3/99. Decision final. Awaiting penalty payment.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin. Order/Penalty	AFO	Clark	Hearing continued - date to be set
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty
8/19/96	Capitol Oil Co., Inc d/b/a Dakota Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Penalty installments received. Settled pending receipt of all installments.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	2	Admin. Order	AFO	Clark	Hearing continued indefinitely
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely
10/28/96	Holliman, Ltd	4	Admin. Order/Penalty	SW/WW	Tack	Settled. Awaiting penalty payment
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M Woodshavings	2	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty payment plan. Awaiting payment
11/08/96	Carroll, City of	4	Admin. Order/Penalty	WS	Hansen	Returned to compliance. 4/99 - Settlement offer sent to City. City Manager made counter offer. Offer accepted by Dept. Settled. Penalty paid 7/6/99. Closed.
12/02/96	Organic Technologies Corp.	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	5	Admin. Order/Penalty. Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	6	Admin. Order	AQ	Preziosi	Negotiating before filing
2/19/97	Cliff's Place, Inc	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated
2/21/97	Farmland Foods, Inc (Denison)	4	Permit Conditions	AQ	Preziosi	Negotiating before filing
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated
5/07/97	Delaware County Landfill, Inc.	1	Admin. Order/Penalty	SW	Tack	Paid \$3,000 settlement 7/20/99. Closed.
6/06/97	Carroll's Foods of the Midwest		Const. Permit Denial	WW	Clark	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	6	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway
7/30/97	Country Pumpkin	4	Admin. Order/Penalty	WS	Hansen	Returned to compliance for nitrate and bacteria sampling
7/31/97	Advanced Technologies Corp.	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Briefing scheduled to be complete 9/1/99. Oral arguments set for 9/9/99.

8/05/97	Biovance Technologies	5	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Mgmt. Comm.	1	Admin Order/Penalty	SW	Tack	Negotiating before filing.
8/18/97	Stellar Industries Inc.	2	Admin Order/Penalty	AQ	Preziosi	Sent to DIA
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	3	Admin Order/Penalty	WW	Murphy	Case on hold pending compliance. Compliance to be achieved summer of 1999. Letter to attorney 2/26/99.
9/17/97	Keokuk Steel Castings	6	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/6/97	North Central Cooperative	2	Admin Order/Penalty	HC/WW	Murphy	11/98 - Site assessment approved. Settlement pending. Proposal will be submitted 7/99.
10/6/97	Hofmann, Inc.	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/22/97	Lehigh Portland Cement Co.	2	Admin. Order	AQ	Preziosi	Settlement close.
11/19/97	Troy Elevator, Inc.	6	Admin Order/Penalty	WW/HC	Murphy	Site assessment conditionally approved 11/98. Letter sent regarding remaining issues.
12/02/97	Dows, City of	2	Admin Order	WW	Hansen	FO 2 inspection 3/98. To be set for hearing 4/99 - Letter received from City engineer regarding stream study.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Briefing scheduled to be complete 9/1/99. Oral arguments set for 9/9/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin Order/Penalty	AFO	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/30/98	Rockwell City	3	Admin Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	4	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/16/98	Pathway Christian School	6	Admin Order/Penalty	WS	Hansen	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp		Admin Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin Order	UT/WW	Wornson	Compliance complete. Review and close.
4/23/98	North Liberty, City of	6	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	5	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	1	Admin Order/Penalty	WS	Hansen	Chlorination system installed by WS.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	Negotiating before filing.
7/29/98	Eagle Lane Corporation	6	Admin Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland 507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Negotiating before filing.
8/13/98	Obie's Hurstville Tap	1	Admin. Order	WS	Murphy	Letter sent 2/26/99. On hold pending monitoring.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/15/98	Verton S. Miller	6	Admin Order/Penalty	AFO	Clark	Penalty installment received 2/11/99. Settled pending receipt of final penalty installment.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin Order/Penalty	AQ	Kaizer	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up to be completed by 7/1/99.
10/08/98	West Liberty, City of	6	Admin Order/Penalty	WW	Hansen	Informal procedures requested.
10/09/98	Elm's Corporation of Linn County	1	Admin Order/Penalty	UT	Wornson	Compliance initiated.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	5	Admin Order/Penalty	WW	Murphy	New violation letter sent 4/14/99.
11/03/98	Dakota Mobile Home Park; Capitol Oil Co.	6	Admin Order	WS	Murphy	Hearing continued, 7/99.
11/05/98	Jim Arenson Chevrolet		Permit Revisions	WS	Hansen	Compliance initiated. WS installed disinfection equipment. WS needs to submit P & S for review by WS engineer and have equipment inspected by F.O. I.
11/06/98	Barr Farm Venture and Mel Foster Co Properties	6	Admin Order/Penalty	WW	Murphy	Letter sent 2/26/99. Will monitor compliance this spring.
11/06/98	Rustic Oaks Homeowners Assoc.	6	Admin Order	WS	Murphy	Settlement offer 4/23/99. Chlorination will be installed 7/99. Appeal will be moot. Withdrawn. Closed.

## Environmental Protection Commission Minutes

August 1999

11/13/98	Caseys General Stores, Inc. (Johnston Store)	5	Admin Order/Penalty	UT	Wornson	Compliance initiated
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received
12/01/98	Underwood Motel	4	Admin Order/Penalty	WS	Hansen	Sanitary survey completed by F.O. 4
12/01/98	Dyersville Golf & Country Club	1	Admin. Order/Penalty	WS	Murphy	Progress report submitted 3/16/99. Certified operator retained. Will monitor performance this summer.
12/07/98	Krauss Serene Wooded Acres	6	Admin Order/Penalty	WS	Murphy	Letter sent 2/23/99. Sanitary survey to be conducted. Will monitor performance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
12/30/98	Farmland Industries, Eagle Grove	2	Permit Exemption Denial	AQ	Preziosi	Negotiating before filing.
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin Order/Penalty	SW	Tack	Negotiating before filing.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin Order/Penalty	AQ/SW	Tack	Negotiating before filing.
1/29/99	Wareco Services, Inc.	6	Admin Order/Penalty	UT	Wornson	Compliance nearly complete. Negotiating penalty
2/01/99	Con Agra Frozen Foods		Permit Denial	AQ	Preziosi	Settled.
2/03/99	Super 20 Mobile Home Park	1	Admin Order/Penalty	WS	Tack	Hearing set for 8/24/99
2/05/99	West Union Cooperative Co	1	Admin Order/Penalty	WW	Murphy	Negotiating before filing. Meeting held 2/12/99
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr	1	Admin Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3/01/99	Williamsburg Manufacturing	6	Admin Order/Penalty	AQ	Preziosi	New case
3/04/99	Dayton, City of	2	Admin Order/Penalty	WW	Murphy	Engineering report submitted 5/99
3/04/99	Paris & Sons; Thomas Paris	1	Admin Order/Penalty	WW/HC	Wornson	Scheduling settlement conference
3/08/99	Peter Bockenstedt	1	Admin Order/Penalty	AFO	Clark	Negotiating before filing
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin Order/Penalty	WS	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default filed with ALJ.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin Order/Penalty	WW	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default filed with ALJ.
3/16/99	Des Moines Independent School District - North High School	5	Site Registry	HC	Tack	Negotiating before filing
3/18/99	Ag Processing, Inc (Sergeant Bluff)		Title Operation Permit Conditions V	AQ	Preziosi	Hearing continued. Second settlement meeting set for 8/18/99.
3/22/99	Tiffin, City of	6	Admin Order/Penalty	WW	Murphy	Negotiating before filing. Settlement offer 5/25/99. Rejected 6/15/99.
3/23/99	Matthew M. Daly	1	Admin Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin Order/Penalty	WW	Hansen	Compliance initiated by City. To be set for hearing regarding penalty.
3/31/99	Westside Park for Mobile Homes	6	Admin. Order/Penalty	WW	Hansen	Settled. Penalty paid 7/9/99. Closed..
4/04/99	Dean Larsen (Martin Marietta)		Permit Issuance	WR	Clark	Hearing continued.
4/08/99	Fayette County Sanitary Landfill	1	Admin Order/Penalty	SW	Tack	Negotiating before filing
4/09/99	Ivan Stoltzfus	5	Admin Order/Penalty	WW	Tack	Negotiating before filing
4/15/99	Robert Simon	1	Admin Order/Penalty	AQ/SW	Tack	Settled. Awaiting penalty payment..
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/15/99	Shenandoah, City of	4	Admin Order/Penalty	WW	Murphy	Settlement offer 7/28/99.
4/16/99	Cargill (Sioux City)	3	Title Operation Permit Conditions V	AQ	Preziosi	Negotiating before filing.
4/26/99	Gerald and Judith Vens	6	Admin Order/Penalty	FP	Clark	Negotiating before filing.
4/28/99	Mid-County Water, Inc.	1	Admin.	WS	Hansen	WS informed Dept. sampling will be done as required

			Order/Penalty			during appropriate sampling period (June 1999).
4/30/99	Anthony's Resort	1	Admin Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies.
5/06/99	Hargrave McEleney, Inc.	6	Admin Order/Penalty	WS	Hansen	Amended order to be issued.
5/12/99	Lehigh Portland Cement Co. 99-A-225	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/12/99	Lehigh Portland Cement Co. 99-A-179	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/18/99	Grandma's Snack Shack	2	Emergency Admin. Order	WS	Murphy	Negotiating before filing. Facility plans to comply.
5/18/99	Horsley Specialties, Inc.	5	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/18/99	Snap-On-Tools Co	2	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/27/99	CGB Printing aka Rock Communications	5	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/28/99	Flying J Inc.	5	Admin Order/Penalty	WW/UT	Murphy	Negotiating before filing. Settlement proposed by appellant 6/15/99.
6/28/99	Big Rock Country Club	1	Admin Order/Penalty	WS	Tack	Negotiating before filing.
6/28/99	Wilcox All-Pro Tools & Supply	5	Admin Order/Penalty	WW	Tack	Negotiating before filing.
6/28/99	Farmland Industries, Inc (Eagle Grove)	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/09/99	Ivan Stoltzfus	5	Admin Order/Penalty	WW	Tack	New case.
7/13/99	Aaron Tolander	6	Admin Order/Penalty	AFO	Clark	New case.
7/16/99	Fairfield, City of	6	Admin Order/Penalty	AQ/SW	Tack	New case.
7/19/99	Celotex Corp (Ft Dodge)	2	Permit Conditions	AQ	Preziosi	New case.
7/23/99	Farmland Industries, Inc (Carroll, Denison)	4	Permit Conditions	AQ	Preziosi	New case.

Mr. Valde presented the routine monthly reports.

Chairman Ehm asked for an update on the DeCoster cases.

Mike Murphy reported that on the first case referred a judgement was made in Wright County which was appealed to the Supreme Court, and in July 1999 a favorable decision upheld the department on all of the legal issues. He stated that the next two cases were combined and are currently on appeal to the Supreme Court, adding that a favorable District Court ruling was received in those cases. He reported that the next two cases were also consolidated for hearing and a favorable ruling was received in May, which awarded a \$25,000 penalty in that case. He related that a Notice of Appeal has also been received on that case. The Attorney General, in reviewing the case involving Sow Unit #3 in Hamilton County, decided not to pursue that case. Mr. Murphy noted that the last case referred in November 1998 is still under review.

Rita Venner asked if the amount listed in the Don Grell case is correct.

Mr. Murphy stated that the amount shown partly covers cost of the cleanup, which the department is likely to incur.

<p align="center"><b>INFORMATIONAL ONLY</b></p>
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## **INTERAGENCY AGREEMENT - UNIVERSITY OF IOWA HYGIENIC LAB FOR AMBIENT AIR MONITORING**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached revision of the interagency agreement between the Department and the University of Iowa Hygienic Lab (UHL). The revision adds \$40,000 in fixed costs to the original UHL agreement. The additional funds will be used to hire an employee at UHL to support real time monitoring activities for ambient air monitoring. The additional funding raises the contract total from \$1,280,422 to \$1,320,422.

**AGREEMENT NUMBER: 2000-7230-07  
IOWA DEPARTMENT OF NATURAL RESOURCES  
AIR QUALITY BUREAU  
WITH  
THE UNIVERSITY OF IOWA (UI)**

Agreement Title: 2000 Air Quality Monitoring and Laboratory Services

Agreement Amount: \$1,320,422

Time of Performance: July 1, 1999 - June 30, 2000

University Hygienic Laboratory

Project Officer:

George M. Breuer

Department Project Officer:

Michael Valde

Submit Original Invoice and two copies to:

Mark Slatterly

Department of Natural Resources

Henry A. Wallace Building

Des Moines, IA 50319-0034

ATTN: Budget and Grants Bureau

Issue Payment to:

University of Iowa    Federal Employer ID #4260048130

Business Office - Jessup Hall

Iowa City, IA 52242

ATTN: Mary Jane Beach

The University Hygienic Laboratory (UHL) agrees to deliver all supplies and perform all services set forth in the attached Special Conditions for the consideration stated herein. The rights and obligations of the parties to this agreement shall be subject to and governed by the Special Conditions and General Conditions. To the extent of any inconsistency between the Special Conditions or the General Conditions and any specifications or other contents which are made a part of this agreement, by reference or otherwise, the Special Conditions and the General

Conditions shall control. To the extent of any inconsistency between the Special Conditions and the General Conditions, the Special Conditions shall control. This agreement contains 9 articles.

IN WITNESS THEREOF, the parties hereto have executed this agreement on the day and year last specified below.

**UNIVERSITY OF IOWA****DEPT. OF NATURAL RESOURCES**

By: \_\_\_\_\_  
Brian Harvey,  
Director of Sponsored Programs  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Paul W. Johnson,  
Director  
Date: \_\_\_\_\_

**UNIVERSITY HYGIENIC LABORATORY**

By: \_\_\_\_\_  
Dr. Mary Gilchrist, Director  
Date: \_\_\_\_\_

This agreement was approved, as required by Subsection 455B.105(7) of the Code of Iowa, by the Environmental Protection Commission on \_\_\_\_\_, 1999.

Mr. Valde distributed copies of a list of Section 319 contracts the Commission has approved in the past. He stated that the UHL contract before the Commission today is a recurring contract for air quality monitoring. He explained details of the contract.

*Motion was made by Rozanne King to approve the University of Iowa Hygienic Lab Interagency Agreement for Ambient Air Monitoring. Seconded by Gary Priebe.*

Discussion followed regarding why this was not included in the original contract, and the issue of real-time monitoring as opposed to unreal-time monitoring.

*Vote on the motion carried unanimously.*

**APPROVED AS PRESENTED**

**STATE REVOLVING FUND INTENDED USE PLAN - FY 1999 (DRINKING WATER)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

A draft Intended Use Plan (IUP) for the 1999 Drinking Water State Revolving Loan Fund (DWSRF) will be presented to the Commission at its meeting. The IUP is the initial step in

preparing a grant request for federal funds for the drinking water SRF. Included in the draft IUP is the list of projects proposed to receive loans from the DWSRF for 1999. It is expected that slightly over \$14 million will be available for loans.

Twenty eight applications for loans from the 1999 DWSRF have been received to date and these applications have been ranked using the project scoring system contained in Commission rules (567-44.7, IAC). It is anticipated the top 18 to 19 projects will receive assistance. A public hearing will be scheduled to take comments on the draft IUP, with notice of the hearing being sent to all cities and interested persons or groups. A proposed final IUP will be presented to the commission for approval following the hearing and consideration of any comments or additional applications received.

The DWSRF program was established by 1996 amendments to the federal Safe Drinking Water Act. Legislation establishing the Iowa DWSRF was passed by the 1997 General Assembly and Department rules became effective in January 1998.

(A copy of the Intended Use Plan is on file in the department's Records Center)

Mr. Valde distributed copies of the Intended Use Plan, and Dennis Alt, Water Supply Bureau Chief, explained details of the plan.

Rozanne King asked about the amount of the fund.

Mr. Alt stated that there was \$28 million for Iowa in 97-98, adding that there is between 10 – 12 million dollars this year. He discussed the "set-aside" accounts.

Rozanne King inquired why some cities dropped off the list.

Mr. Alt explained that it was because of the lateness of the bond sales and cities becoming frustrated with waiting.

Discussion followed regarding cities waiting to get on the list, and looking at ways to work with private systems.

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Chairman Ehm announced Public Participation at 10:50 a.m.; no one requested to speak.

#### **APPOINTMENT – SUSAN RIGDON (LANDFILL NEAR C.R.)**

Susan Rigdon, Ely, Iowa, addressed the Commission regarding the laws on siting of new landfills. She related that a new landfill could possibly be located on a site very near her back yard, and she distributed copies of a map showing the area of the proposed site. She circulated an article from the Cedar Rapids Gazette, which depicts an aerial photo of the site. Ms. Rigdon

stated that at a public information meeting in June, information provided by Tim Hall, Environmental Protection Division, stated that the proposed site is an adequate site for the landfill. She stated that with the information she has about problems with landfills it seems to her that the siting process should require that a potential site would be optimal, rather than adequate. Ms. Rigdon noted that a proper siting of a new landfill is extremely important to insure the safety of the state's natural water resources. She related that if there are not strict guidelines regarding the distance of a landfill to a river or other body of water, then new regulations should be adopted to help protect our children's future. She indicated that at a hearing regarding this site, Bob Libra, Geological Survey Bureau, stated his concerns regarding the suitability of the site, but noted that based on current regulations the DNR (in his opinion) would approve the site. Ms. Rigdon distributed copies of minutes from an 11/13/97 Bluestem Citizens Advisory Committee meeting for Siting, which outlined 13 guidelines the committee developed for siting a landfill. She also distributed copies of letters pertaining to siting of the landfill, from Bob Libra to Tim Hall, Bob Libra to Pam Prohaska, and one she received from John Doershuk, State Archaeologist Office. She gave a video presentation showing the area proposed for the landfill and its close proximity to the Cedar River. She related that the area is within one-fourth mile of the river and 80 acres of trees will have to be removed if the landfill is located there.

Rita Venner raised a question regarding plans for the old landfill.

Mike Berkshire, Bluestem SWA, indicated that there is currently 2-4 years capacity left at that site. He related that their two sites combined have about 5-7 years total capacity remaining.

Chairman Ehm asked Roya Stanley to address the siting of landfills.

Ms. Stanley reported that there is a new procedure and this is the first landfill that will have been sited since a law went into effect in 1997. Under this new aspect of the law it states that the Director will determine whether or not there is a need for the landfill. She related that there has never been this type of determination at the state level for a landfill. Ms. Stanley specified that at this point a landfill permit has not been filed, but the department's procedure will begin when one is filed. She related that the bulk of the procedure deals with the engineering specifications associated with the particular parcel of land.

Mr. Murphy stated that there is a local siting procedure to go through before it comes to the state. That procedure requires the applicant to go through public notice at the local level. He noted that when the law was first adopted there was an appeal process to the EPC but that was subsequently repealed. He related that once an applicant gets through the local siting approval process they need to apply for a permit from the DNR. Mr. Murphy read the excerpt of the law from 455B.305(5), which Ms. Stanley alluded to. He noted that if a permit is issued, the decision of the Director is subject to review by the Commission at their next meeting following the issuance of the permit.

Brief discussion followed regarding waste reduction goals and regional capacities.



**REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Roland Heyer (Aeroplane Inn – Honey Creek) – penalty collection
- b. Greg Morton and Brenda Harnyak (Grand River) - penalty collection
- c. Jeff Phillips aka Mike Connolly; Phillips Recycling (Cambridge) – water quality/solid waste

**Roland Heyer**

Mr. Murphy briefed the Commission on the history of this case involving failure to monitor and to pay the penalty.

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.*

**REFERRED**

**Greg Morton and Brenda Harnyak**

Mr. Murphy briefed the Commission on this case involving illegal solid waste disposal, open burning and failure to get a Stormwater Discharge Permit.

*Motion was made by Kathryn Murphy for referral to the Attorney General. Seconded by Elizabeth Christiansen. Motion carried unanimously.*

**REFERRED**

**Jeff Phillips aka Mike Connolly; Phillips Recycling**

Mr. Murphy stated that Mr. Phillips ran a recycling business and a metal scrap and salvage operation and failed to get the required Storm Water Discharge Permit. He noted that Mr. Phillips also failed to pay a penalty. He related that referral is sought to collect the penalty and to enjoin Mr. Phillips from continued operation of this sort of facility without a permit.

<i>Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Rita Venner. Motion carried unanimously.</i>
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<b>REFERRED</b>
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Discussion followed regarding Storm Water Permits and requirements for same.

Director Johnson commented that this is an area the department may want to take a look at in the future, adding that Iowa's laws on stormwater permitting are not the strongest in the world. He related that in many states the conservation districts are involved in the storm water permitting, and we may want to take a look at working with Jim Gulliford and the Division of Soil Conservation. Director Johnson noted that in working with the Department of Agriculture any new ideas that come up will be brought before the Commission in the future.

**REPORT ON ICCI QUESTIONS**

Wayne Gieselman discussed the four sites addressed by Humboldt Co. ICCI at the July Commission meeting. He addressed each site as follows: #1) Tellier site – after reviewing the details listed in the above item brief, Mr. Gieselman noted that the county tile that ran between the buildings will stay at that site as it is about 150 feet from the toe of the berm, and the department regulations require it to be 50 feet away from the toe of the berm. He noted that the lagoon will be abandoned in accordance with department regulations. #2) Thompson, Land-O-Lakes site – Mr. Gieselman noted that water ponding outside of the lagoon is not from seepage of the lagoon, it is water from outside the lagoons which ponds there. He related that the tile line was installed to try to move some of that water away. It stops 59 feet from the toe of the berm and is outside of what the rules require. He noted that none of this shows to be outside the limits of the department regulations.

Discussion followed regarding the levels of contamination from nitrates and fecal coliform; how measuring is done; and evaporation.

Director Johnson stated that this is one of the sites in the Iowa State University study which is due to be released this coming Friday. Further discussion took place on monitoring and test wells.

#3) Goodell site - Mr. Gieselman noted that Mr. & Mrs. Nelles' well was contaminated by nitrates and fecal coliform. He related that three potential septic tanks may be draining directly

into the tile line. Also, runoff from the Nelles open feedlot runs into a waterway and into the sinkhole. He said there are five different locations identified where the contamination could be coming from, but it is not known exactly where it is coming from. Staff and the county sanitarian are conducting dye tests to detect the source of contamination. #4) Avery site - Mr. Gieselman noted that a private engineer ran tests which showed some seepage but the amount is within the limits that were in place at the time the lagoon was built.

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Mr. Gieselman stated that last month an individual from Primghar spoke about a Carroll Foods proposed site. He related that the site does not require a permit from the department. He noted that due to the issue of shallow groundwater in the area, Carroll Foods have voluntarily taken their manure application site away from the alluvial aquifer.

Director Johnson commented that there is a lot of activity at the federal level dealing with animal feeding operations. He related that he asked Wayne Gieselman not only to carry out the laws but also to come with ideas on how we can do better in the state of Iowa in this area. He related that the department is going to try to work with others in the industry such as the integrators to get them to take on some of the responsibility, and to look at ways we can work with the agricultural community.

Kathryn Murphy stated that she would like to have information at some time on how our current AFO laws compare with the EPA proposals.

## **BRIEFING ON GOLDEN OVAL**

Mr. Gieselman reported that the department has issued a permit to Golden Oval to construct an egg processing facility. He noted that they supplied the department with more information than we could legally require. He related that Golden Oval is going to contract with a local co-op who will take their waste and dispose of it on farmers fields. Mr. Gieselman stated that they are exempt by law from having a manure management plan (MMP) approved by the department. He related that Golden Oval is going to notify the department of the co-op that they contract with. The department will work to develop a MMP for all farms where they apply manure. Mr. Gieselman noted that "fly management" was an issue and Golden Oval submitted air quality monitoring data from their site in Minnesota which appeared to be good.

## **CONTESTED CASE DECISION APPEAL--DEAN LARSON**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On March 11, 1999, the department issued Water Use Permit #7996 to Martin Marietta Aggregates. That action was appealed by Dean Larsen on April 6, 1999. A Notice of Hearing was issued on April 30, 1999. A Petition to Intervene was filed on behalf of Martin Marietta on June 1, 1999, which was granted on June 9, 1999. On June 21, 1999, Intervenor filed a Motion

to Dismiss the appeal for lack of standing by the appellant. The Administrative Law Judge issued a Proposed Decision on July 7, 1999. The decision dismisses the appeal.

Mr. Larsen has appealed the Proposed Decision to the Commission. The Proposed Decision and appeal documents will be provided to the Commission. The entire record is available for your review. The parties may be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

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Mr. Murphy stated that this case involves the issuance of a water use permit to Martin Marietta. Dean Larsen filed an appeal to the issuance of the permit, and Martin Marietta moved to dismiss that appeal on the grounds that he did not meet the requirements of "standing," which is the right by an aggrieved party to appeal. He noted that the ALJ issued a proposed decision dismissing the appeal on the grounds that Mr. Larsen did not meet the definition of an aggrieved party that had a right to an appeal. Mr. Murphy related that it is that decision which has been appealed to the Commission.

Chairman Ehm asked if the Commission is being asked to review this matter on the basis of whether or not Mr. Larsen has standing.

Mr. Murphy stated that is correct and he explained the options the Commission could take.

### **Appointment – Dean Larsen**

Dean Larsen, Burt, Iowa, distributed copies of his Motion to Waive Exceptions; Motion to Waive Request for Oral Argument; Motion to Waive August 9, 1999 Letter Sent to Each Commissioner; and Motion to Enter Default. Mr. Larsen stated that he is alleging the Martin Marietta letter and filing to intervene was filed late, and he has the right to respond to those documents. He noted that his hand-outs are his response to their filings. He added that under the IAC, the Commission shall wait ten days for Martin Marietta and the department to respond, therefore the Commission can take no action on this today. He stated that he filed an appeal to protect two sources of drinking water from the pollution and contamination from a sand and gravel mining operation. He related that the East fork of the Des Moines River is a source of drinking water for the Wallace Building and for the City of Des Moines. He added that he drinks the water every time he comes to D.M. and he has been in the Wallace Building many times. Mr. Larsen noted that he lived in D.M. for two years and he drinks the water of this city. He noted that the second source of drinking water is the aquifer from which Martin Marietta pumps one billion gallons of water to wash sand and gravel. He related that the well where he lives might be drinking water from this aquifer, which gives his appeal a very personal interest. He expanded on his interest and right to protect his drinking water from a mining operation. He also discussed the permit issued to Martin Marietta.

A lengthy discussion was held regarding various aspects of the case and appeal.

Randall Clark, Compliance and Enforcement Bureau, reviewed that a permit has been issued and that is what is being appealed. He stated that Mr. Larsen did not request a stay to the permit and as far as the department is concerned it is still in effect. He noted that in regard to the allegation of illegal water use before the permit was granted, there is a specific rule that addresses that kind of operation where the water that is taken out of the pit and drained back into the same hole, and a permit is not needed in those cases. Mr. Clark explained that when an applicant asks for a permit which is forward looking, it is not unusual for them to change the request and do something different. He related Martin Marietta's original permit was for washing and no dewatering, but now they have requested a modification of the permit to include dewatering. He noted that the whole procedure can be started over and Mr. Larsen will have the opportunity to provide additional information and better prove his standing. Mr. Clark stressed that in this particular case, Mr. Larsen did not prove his standing. He related that the ALJ said Mr. Larsen needed a specific interest rather than a general interest to qualify for standing. Mr. Clark noted that Mr. Larsen has added, in his Notice of Appeal, a couple of different items that he did not provide to the ALJ. He stated that the department would assert that the Commission's job is to decide based on the record the ALJ had at the time of the hearing.

#### **Appointment – Jane McAllister**

Jane McAllister, representing Martin Marietta Aggregates, stated that the permit held by Martin Marietta is a valid permit, and Martin Marietta was the Intervenor in the underlying appeal. She related that she believes the only issue before the Commission today is the issue of standing. She noted that Martin Marietta holds a water use withdrawal permit for a sand and gravel operation near St. Joseph and they also have 34 other sand and gravel permitted operations in Iowa. She explained that the role of the DNR is permitting of these facilities, and the role of the applicant is to take the draft permit out to the public for comments. Ms. McAllister pointed out that Mr. Larsen was very active in the commenting period and took advantage of bringing all of these issues to the department's attention before the permit was issued. She related that in the end the permit was issued to Martin Marietta. She related that Martin Marietta would like to use this permit and now would like to amend it. Ms. McAllister stated that Mr. Larsen has the right to appeal, and that is where the narrow issue of standing comes in. She asked the Commission to affirm the ALJ decision. She noted that there were accusations made that Martin Marietta had acted illegally, and she pointed out that further in the pleadings where this question was raised on their Petition to Intervene, Mr. Larsen withdrew and specifically stated that he was not alleging that Martin Marietta was acting in any illegal fashion or undertaking any wrongdoing. She stated that it is Dean Larsen's duty and burden under the law to show standing and he did not show it in his original pleading.

Dean Larsen stated that he would like to address an incorrect statement that was made by counsel for Martin Marietta. He read an excerpt from a 7/15/99 letter from DNR stating "A decision by this department, Martin Marietta must have two dewatering permits before they can operate." He stated that when Martin Marietta came to the department and asked to take the dewatering out, a document was produced to take the dewatering out. He added that according to this ruling that

made that permit invalid. He quoted from the 7/15/99 letter as follows: "even if there were a conflict between the two permits, the company needs both permits to operate and cannot dewater unless authorized to do so by both permits."

Randall Clark clarified that the letter Mr. Larsen was reading from was a letter by Steve Williams, DNR staff, and was referring to the NPDES permit. He mentioned that the permit that was issued, and is in effect, requires Martin Marietta to obtain all necessary permits. He related that they do have both permits, the one to withdraw water and the NPDES permit.

Dean Larsen stated that Martin Marietta operated for eight to ten months without a permit and he expanded on same.

Chairman Ehm asked about earlier remarks pertaining to the timeliness of various filings.

Mr. Clark stated that Mr. Larsen was relating back to deadlines that were imposed on the procedure before the ALJ, and there are specific timelines for when a petition has to be filed and when an answer to the petition has to be filed. He noted that there is a separate section of the rules that deals with appeals, and there are very little time frames there. Mr. Clark stated that the only thing allowed in an appellant proceeding such as this is to file briefs. He added that those deadlines do not apply at this stage in the proceeding.

*Motion was made by Rozanne King to affirm the decision of the ALJ. Seconded by Elizabeth Christiansen. Motion carried unanimously.*

**ALJ DECISION UPHELD**

**GENERAL DISCUSSION/NEXT MEETING**

Chairman Ehm reported that an invitation was given to the Commission from Rick Kelley, UHL, to hold a Commission meeting at their Oakdale Campus at the University of Iowa to learn about the University Hygienic Labs.

Mr. Kelley stated that there is a lot of air monitoring equipment there that can be set up to display how some of the air monitoring is done.

Rozanne King discussed the possibility of having a meeting at Wallace Foundation and a tour of Milk Unlimited, near Lewis, Iowa.

It was decided to hold the September meeting at Oakdale Campus and have Commissioner King check into holding the October or November meeting at Lewis.

James Braun stated that there was recently a report released by the Center for Disease Control regarding pathogens and other things around hog lagoons, and he inquired whether the

Commission would like Dr. Kendall Thu to give a report on that at a future Commission meeting.

Consensus of the Commission was to listen to a presentation by Dr. Thu, and Commissioner Braun will arrange for the presentation.

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#### **NEXT MEETING DATES**

September 20, 1999 (Iowa City)

October 18, 1999

November 15, 1999

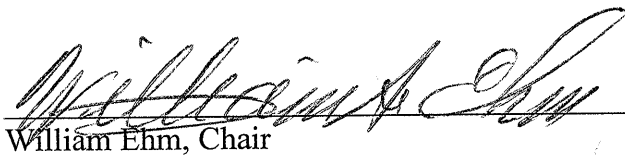
#### **ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 2:35 p.m., Monday, August 16, 1999.



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Paul W. Johnson, Director



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William Ehm, Chair



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Rozanne King, Secretary

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